

MONDAY, MARCH 26, 2012

SIXTY-FOURTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Phil Barnes, Madison Church of Christ.

Representative Gotto led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 98

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 98

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Watson; business

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 620** Rep(s). Hardaway, Parkinson and Camper as prime sponsor(s).

**House Joint Resolution No. 734** Rep(s). Hardaway, Parkinson, McManus, Hill, K. Brooks, Brown, Favors and Coley as prime sponsor(s).

**House Joint Resolution No. 822** Rep(s). Naifeh as prime sponsor(s).

**House Joint Resolution No. 824** Rep(s). Pitts, Pruitt, Odom, Moore, Gilmore, Towns, Shepard, B. Cooper, Sontany, S. Jones, Windle, Tindell, Curtiss, J. Turner, McDonald, Armstrong, J. DeBerry, Shaw, Kernell, L. Miller, Naifeh, Richardson, Brown, Favors, Hardaway, Tidwell, Bass, M. Turner, Camper, L. DeBerry and Stewart as prime sponsor(s).

**House Bill No. 291** Rep(s). Faison as prime sponsor(s).

**House Bill No. 2388** Rep(s). Dean, Dennis, White, Gotto, Floyd, Hensley, Coley, H. Brooks, Weaver, D. Miller, Eldridge, Haynes, Wirgau, Sexton, Halford, Sanderson, Shipley, Fitzhugh, K. Brooks, McManus, R. Williams, Todd, Lollar and Parkinson as prime sponsor(s).

**House Bill No. 2390** Rep(s). Hardaway, Parkinson, McManus, K. Brooks, Shaw, Evans, Wirgau, Fitzhugh, Pody, Dean, Dennis, Lollar, White, Shipley, Todd, Gotto, Eldridge, Hensley, Haynes, Maggart, Weaver, Coley, H. Brooks, D. Miller, Sanderson, Faison, Hurley, R. Williams, Elam, Halford, C. Johnson and Sexton as prime sponsor(s).

**House Bill No. 2479** Rep(s). Armstrong and Womick as prime sponsor(s).

**House Bill No. 2669** Rep(s). Carr and Dennis as prime sponsor(s).

**House Bill No. 2966** Rep(s). Hardaway as prime sponsor(s).

**House Bill No. 3338** Rep(s). Shipley, Carr, Butt, Hardaway, H. Brooks, Womick, K. Brooks, Maggart, Roach, C. Johnson, R. Williams and White as prime sponsor(s).

**House Bill No. 3481** Rep(s). White and Armstrong as prime sponsor(s).

#### **SPONSORS REMOVED**

On motion, Rep(s). Eldridge was/were removed as sponsor(s) of **House Bill No. 2815**.

#### **MESSAGE FROM THE SENATE March 23, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 666, 667, 669 and 670; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

#### **MESSAGE FROM THE SENATE March 23, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2413, 3385, 3386 and 3588; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MONDAY, MARCH 26, 2012 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**\*Senate Bill No. 2413** -- Telecommunications - As introduced, enacts the "Kelsey Smith Act" to require wireless telecommunications service providers to provide geographic information concerning the location of a service user's wireless device in an emergency situation. - Amends TCA Title 7, Chapter 86; Title 38 and Title 65. by \*McNally, \*Barnes, \*Beavers, \*Bell, \*Berke, \*Burks, \*Campfield, \*Crowe, \*Faulk, \*Finney L, \*Ford, \*Gresham, \*Harper, \*Haynes, \*Henry, \*Herron, \*Johnson, \*Kelsey, \*Ketron, \*Kyle, \*Marrero, \*Massey, \*Norris, \*Overbey, \*Roberts, \*Southerland, \*Stewart, \*Summerville, \*Tate, \*Tracy, \*Watson, \*Yager. (HB3432 by \*Matlock, \*Sexton, \*Hardaway, \*Wirgau, \*Todd, \*Ragan, \*Harmon, \*Roach, \*Pitts, \*Curtiss, \*Shepard, \*Williams K, \*Marsh, \*Towns, \*Floyd, \*Johnson P, \*Favors, \*Swann, \*Montgomery, \*McManus, \*Sargent, \*Miller D, \*Lundberg, \*Haynes, \*Elam, \*Johnson C)

**Senate Bill No. 3385** -- Sunset Laws - As introduced, extends Tennessee motor vehicle commission, June 30, 2015. - Amends TCA Title 4, Chapter 29 and Title 55, Chapter 17, Part 1. by \*Bell, \*Overbey. (\*HB3542 by \*Cobb, \*Rich)

**Senate Bill No. 3386** -- Audiologists and Speech Pathologists - As introduced, authorizes instead of requires that governor select the physician member of the board of communication disorders and sciences from list of nominees provided by Academy of Otolaryngology and other interested otolaryngology groups. - Amends TCA Title 4, Chapter 29 and Section 63-17-104. by \*Bell. (\*HB3545 by \*Cobb, \*Rich)

**Senate Bill No. 3588** -- Education - As introduced, requires all driver education courses to include instruction on the dangers of texting while driving and the penalty therefor. - Amends TCA Title 49. by \*Kelsey, \*Crowe, \*Overbey. (\*HB3636 by \*Parkinson)

**MESSAGE FROM THE SENATE**  
**March 23, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 672, 673, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 691, 692, 694 and 695; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Joint Resolution No. 672** -- Memorials, Sports - Riverdale High School Lady Warriors Basketball Team, Class AAA State Champions. by \*Ketron, \*Tracy, \*Stewart.

**Senate Joint Resolution No. 673** -- Memorials, Recognition - Scottsboro United Methodist Church, 100th Anniversary. by \*Henry, \*Herron.

**Senate Joint Resolution No. 675** -- Memorials, Academic Achievement - Adam Michael Barton, Salutatorian, William Blount High School. by \*Overbey.

**Senate Joint Resolution No. 676** -- Memorials, Academic Achievement - Chelsie Kay Smith, Valedictorian, Heritage High School. by \*Overbey.

**Senate Joint Resolution No. 677** -- Memorials, Academic Achievement - Evan Chase Nelson, Salutatorian, Heritage High School. by \*Overbey.

**Senate Joint Resolution No. 678** -- Memorials, Academic Achievement - Emily Magee Guillaume, Valedictorian, William Blount High School. by \*Overbey.

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**MONDAY, MARCH 26, 2012 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**Senate Joint Resolution No. 679** -- Memorials, Academic Achievement - Jacob Bilbrey, Valedictorian, Macon County High School. by \*Beavers.

**Senate Joint Resolution No. 680** -- Memorials, Academic Achievement - Cassandra Cooper, Salutatorian, Clay County High School. by \*Beavers.

**Senate Joint Resolution No. 681** -- Memorials, Academic Achievement - Mary Elizabeth Copeland, Valedictorian, Clay County High School. by \*Beavers.

**Senate Joint Resolution No. 682** -- Memorials, Academic Achievement - Rachel Marie Wakefield, Salutatorian, Macon County High School. by \*Beavers.

**Senate Joint Resolution No. 683** -- Memorials, Academic Achievement - Tori West, Salutatorian, Smith County High School. by \*Beavers.

**Senate Joint Resolution No. 684** -- Memorials, Academic Achievement - Amber Gross, Valedictorian, Smith County High School. by \*Beavers.

**Senate Joint Resolution No. 685** -- Memorials, Academic Achievement - Timmy Allen Harper, Valedictorian, Trousdale County High School. by \*Beavers.

**Senate Joint Resolution No. 686** -- Memorials, Academic Achievement - Shelby Gregory, Salutatorian, Trousdale County High School. by \*Beavers.

**Senate Joint Resolution No. 687** -- Memorials, Retirement - Gleya Twilla. by \*Norris.

**Senate Joint Resolution No. 688** -- Memorials, Retirement - Jane Heathcott. by \*Norris.

**Senate Joint Resolution No. 691** -- Memorials, Death - Judge Charles Howard Bozeman. by \*Massey, \*Campfield, \*McNally, \*Barnes, \*Beavers, \*Bell, \*Berke, \*Burks, \*Crowe, \*Faulk, \*Finney L, \*Ford, \*Gresham, \*Harper, \*Haynes, \*Henry, \*Herron, \*Johnson, \*Kelsey, \*Ketron, \*Kyle, \*Marrero, \*Norris, \*Overbey, \*Roberts, \*Southerland, \*Stewart, \*Summerville, \*Tate, \*Tracy, \*Watson, \*Yager.

**Senate Joint Resolution No. 692** -- Memorials, Sports - Soddy Daisy High School Wrestling Team. by \*Watson, \*Berke.

**Senate Joint Resolution No. 694** -- Memorials, Sports - University of Tennessee at Chattanooga Mocs wrestling team, Southern Conference Tournament champion. by \*Watson, \*Berke, \*Ford.

**Senate Joint Resolution No. 695** -- Memorials, Retirement - Dr. Gary Goff. by \*Yager, \*McNally, \*Barnes, \*Beavers, \*Bell, \*Berke, \*Burks, \*Campfield, \*Crowe, \*Faulk, \*Finney L, \*Ford, \*Gresham, \*Harper, \*Haynes, \*Henry, \*Herron, \*Johnson, \*Kelsey, \*Ketron, \*Kyle, \*Marrero, \*Massey, \*Norris, \*Overbey, \*Roberts, \*Southerland, \*Stewart, \*Summerville, \*Tate, \*Tracy, \*Watson.

**SIGNED**  
**March 23, 2012**

The Speaker announced that she had signed the following: Senate Joint Resolution(s) No(s). 666, 667, 669 and 670.

**MESSAGE FROM THE GOVERNOR**  
**March 23, 2012**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2326, 2355, 2356, 2370, 2480, 2481, 2500, 2527, 2547, 2534, 2540, 2632, 2729, 3080, 3135, 2328, 2489, 2491, 2496, 2754, 2764, 2936, 3008 and 3010; with his approval.

HERBERT H. SLATTERY III, Counsel to the Governor

**MESSAGE FROM THE SENATE**  
**March 26, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2822; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 2822** -- Courts, General Sessions - As introduced, clarifies that referees have the power of a trial court and the same authority as the judge directing the case to the referee in Shelby County environmental court. - Amends Chapter 772 of the Public Acts of 1982, as amended. by \*Kelsey, \*Marrero, \*Kyle, \*Ford. (\*HB2966 by \*Coley, \*Miller L, \*Parkinson, \*McManus, \*Turner J, \*Kernell, \*Camper, \*DeBerry J, \*Cooper B, \*Lollar, \*Richardson, \*White, \*Hardaway)

**MESSAGE FROM THE SENATE**  
**March 26, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3749; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Bill No. 3749** -- Education, Higher - As introduced, requires a governing board of a public institution of higher education to report annually to the house and senate education committees the attendance of its board members and if applicable, the reason for absence. - Amends TCA Title 49, Chapter 7, Part 1. by \*Tracy. (HB3704 by \*McCormick)

**PERSONAL ORDERS**

**RECOGNITION IN THE WELL**

Representatives L. DeBerry and Gilmore, joined by Representative J. Turner, were recognized in the Well in order to introduce members of the Delta Sigma Theta Sorority, Incorporated, including Cheryl W. Turner, Southern Regional Director, and Sandra Cannon, Tennessee State Coordinator, for remarks.

**RESOLUTION READ**

The Clerk read House Joint Resolution No. 653, previously adopted on February 13, 2012, which commended the members of Delta Sigma Theta Sorority, Incorporated, for their exemplary service to their respective communities

**House Joint Resolution No. 653** -- Memorials, Recognition - Delta Days on Capitol Hill. by \*DeBerry L, \*Armstrong, \*Turner J, \*Turner M, \*Fitzhugh, \*Naifeh, \*Richardson, \*Gilmore, \*Camper.

**RECOGNITION IN THE WELL**

Representative Butt was recognized in the Well to introduce the 2012 Mule Day Queen, Ms. Tanna Norman, and her court: Ms. Kaitlyn Huckaby, Ms. Hannah Lawrence, Ms. Brittany Sharp and Ms. Taylor Willis.

**RESOLUTION READ**

The Clerk read House Joint Resolution No. 768, previously adopted on March 19, 2012, which honor and congratulate Tanna Norman upon being crowned the 2012 Mule Day Queen.

**House Joint Resolution No. 768** -- Memorials, Recognition - Tanna Norma, 2012 Mule Day Queen. by \*Butt.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**House Joint Resolution No. 816** -- Naming and Designating - Designates an official Tennessee War of 1812 Bicentennial Commission. by \*McDaniel.

House State and Local Government Committee

## MONDAY, MARCH 26, 2012 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION

**\*House Joint Resolution No. 818** -- Memorials, Government Officials - Requests Comptroller to conduct audit of each development district and human resource agency in Tennessee. by \*Williams R, \*Pody.

House State and Local Government Committee

### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 28, 2012:

**House Resolution No. 226** -- Memorials, Recognition - Carter Middle School, TAP School of Promise Award. by \*Brooks H.

**House Resolution No. 227** -- Memorials, Recognition - Bikkel, police service dog. by \*Haynes.

**House Joint Resolution No. 823** -- Memorials, Recognition - Bobbie Patray. by \*Shipley.

**House Joint Resolution No. 826** -- Memorials, Recognition - Military Officers Association of America. by \*Sparks, \*Carr, \*Womick, \*Forgety, \*Marsh.

**House Joint Resolution No. 827** -- Memorials, Recognition - Cocke County NJROTC. by \*Faison.

### SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 28, 2012:

**Senate Joint Resolution No. 697** -- Memorials, Sports - Maryville High School football team, Class 6A Champion. by \*Overbey.

**Senate Joint Resolution No. 698** -- Memorials, Sports - Patton Robinette, Gatorade Tennessee Football Player of the Year. by \*Overbey.

**Senate Joint Resolution No. 699** -- Memorials, Death - James McDonald "Mack" Smith. by \*Haynes, \*Harper, \*Henry.

### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 2413** -- Telecommunications - As introduced, enacts the "Kelsey Smith Act" to require wireless telecommunications service providers to provide geographic information concerning the location of a service user's wireless device in an emergency situation. - Amends TCA Title 7, Chapter 86; Title 38 and Title 65. by \*McNally, \*Barnes, \*Beavers, \*Bell, \*Berke, \*Burks, \*Campfield, \*Crowe, \*Faulk, \*Finney L, \*Ford, \*Gresham, \*Harper, \*Haynes, \*Henry, \*Herron, \*Johnson, \*Kelsey, \*Ketron, \*Kyle, \*Marrero, \*Massey, \*Norris, \*Overbey, \*Roberts, \*Southerland, \*Stewart, \*Summerville, \*Tate, \*Tracy, \*Watson, \*Yager. (HB3432 by \*Matlock, \*Sexton, \*Hardaway, \*Wirgau, \*Todd, \*Ragan, \*Harmon, \*Roach, \*Pitts, \*Curtiss, \*Shepard, \*Williams K, \*Marsh, \*Towns, \*Floyd, \*Johnson P, \*Favors, \*Swann, \*Montgomery, \*McManus, \*Sargent, \*Miller D, \*Lundberg, \*Haynes, \*Elam, \*Johnson C)

**Senate Bill No. 3385** -- Sunset Laws - As introduced, extends Tennessee motor vehicle commission, June 30, 2015. - Amends TCA Title 4, Chapter 29 and Title 55, Chapter 17, Part 1. by \*Bell, \*Overbey. (\*HB3542 by \*Cobb, \*Rich)

**Senate Bill No. 3386** -- Audiologists and Speech Pathologists - As introduced, authorizes instead of requires that governor select the physician member of the board of communication disorders and sciences from list of nominees provided by Academy of Otolaryngology and other interested otolaryngology groups. - Amends TCA Title 4, Chapter 29 and Section 63-17-104. by \*Bell. (\*HB3545 by \*Cobb, \*Rich)

**Senate Bill No. 3588** -- Education - As introduced, requires all driver education courses to include instruction on the dangers of texting while driving and the penalty therefor. - Amends TCA Title 49. by \*Kelsey, \*Crowe, \*Overbey. (\*HB3636 by \*Parkinson)

### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 3874** -- Taxes, Hotel Motel – State and Local Government Committee

**House Bill No. 3875** -- Washington County – State and Local Government Committee

**House Bill No. 3876** -- Cookeville -- Commerce Committee

### CONSENT CALENDAR

**House Bill No. 3463** -- Housing - As introduced, authorizes new mechanisms for merging or dissolving housing authorities. - Amends TCA Title 13, Chapter 20. by \*Armstrong, \*Tindell, \*Brooks H, \*Dunn, \*Haynes.

On motion, House Bill No. 3463 was made to conform with **Senate Bill No. 3007**; the Senate Bill was substituted for the House Bill.



**MONDAY, MARCH 26, 2012 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**\*House Joint Resolution No. 734** -- General Assembly, Statement of Intent or Position - Urges Tennessee Commission on Aging and Disability to coordinate a state communication plan to inform the public about the Tennessee Aging and Disability Center's toll free number for information on resources and assistance. by \*Shaw, \*Camper, \*Richardson, \*Shepard, \*Miller L, \*DeBerry L, \*Naifeh, \*Casada, \*Cooper B, \*Fitzhugh, \*Windle, \*Sontany, \*Gilmore, \*Moore, \*Pruitt, \*Towns, \*Forgety, \*Ramsey, \*Todd, \*Lollar, \*Johnson P, \*Sargent, \*Eldridge, \*Sanderson, \*Hawk, \*Brooks H, \*Armstrong, \*Tindell, \*Dean, \*Alexander, \*Pitts, \*McCormick, \*Stewart, \*Floyd, \*Carr, \*Womick, \*Turner M, \*Williams R, \*Powers, \*Ragan, \*Keisling, \*Sexton, \*Curtiss, \*Swann, \*Montgomery, \*Faison, \*Dunn, \*Haynes, \*Niceley.

**\*House Bill No. 3852** -- Oakdale - As introduced, subject to local approval, reduces size of Town of Oakdale board of aldermen from three to two beginning with the August 2014 election; requires the board to designate one board member as vice-mayor. - Amends Chapter 587 of the Private Acts of 1911; as amended and rewritten. by \*Windle.

**\*House Joint Resolution No. 620** -- Naming and Designating - "Mental Illness Awareness Week" in Tennessee, October 1-7, 2012. by \*Richardson, \*Jones S, \*Shaw, \*Miller L.

**House Bill No. 3853** -- Bradley County - As introduced, subject to local approval, establishes a common-docket system in Bradley County. - Amends Chapter 17 of the Private Acts of 1955; as amended. by \*Watson.

**\*House Bill No. 2501** -- Boards and Commissions - As introduced, requires the commissioner of finance and administration by October 31 of each year to notify the division of regulatory boards and the division of health related boards the amount of board fees to be set for the subsequent fiscal year. - Amends TCA Section 4-29-121 and Section 4-3-1011. by \*Cobb.

On motion, House Bill No. 2501 was made to conform with **Senate Bill No. 2396**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2517** -- Sunset Laws - As introduced, extends the soil scientist advisory committee, June 30, 2013. - Amends TCA Title 4, Chapter 29 and Title 62, Chapter 18, Part 2. by \*Cobb, \*Shipley, \*Rich.

On motion, House Bill No. 2517 was made to conform with **Senate Bill No. 2337**; the Senate Bill was substituted for the House Bill.

**House Resolution No. 224** -- Memorials, Death - Jefferson Davis, Jr. by \*Armstrong.

**House Joint Resolution No. 811** -- Memorials, Retirement - Dr. Robert R. Bell. by \*Williams R.

**House Joint Resolution No. 812** -- Memorials, Recognition - Morrill Act of 1862, 150th anniversary. by \*Montgomery.

**House Joint Resolution No. 813** -- Memorials, Recognition - John Howard Dunn. by \*Faison.

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**House Joint Resolution No. 814** -- Memorials, Recognition - Mary Kate Bell, 2012 Tennessee Fairest of the Fair. by \*Wirgau.

**House Joint Resolution No. 815** -- Memorials, Recognition - Arlington High School dance teams. by \*Lollar, \*Coley.

**House Joint Resolution No. 819** -- Memorials, Personal Occasion - Maurice & Alma Helton, 65th wedding anniversary. by \*Harrison.

**House Joint Resolution No. 820** -- Memorials, Recognition - Detective Kevin Grigsby. by \*Harrison.

**House Joint Resolution No. 821** -- Memorials, Professional Achievement - Leslie Rollins, Teacher of the Year, Franklin County. by \*Alexander.

**House Joint Resolution No. 822** -- Memorials, Recognition - The Greek Touch, 20th anniversary. by \*Fitzhugh.

**Senate Joint Resolution No. 672** -- Memorials, Sports - Riverdale High School Lady Warriors Basketball Team, Class AAA State Champions. by \*Ketron, \*Tracy, \*Stewart.

**Senate Joint Resolution No. 673** -- Memorials, Recognition - Scottsboro United Methodist Church, 100th Anniversary. by \*Henry, \*Herron.

**Senate Joint Resolution No. 675** -- Memorials, Academic Achievement - Adam Michael Barton, Salutatorian, William Blount High School. by \*Overbey.

**Senate Joint Resolution No. 676** -- Memorials, Academic Achievement - Chelsie Kay Smith, Valedictorian, Heritage High School. by \*Overbey.

**Senate Joint Resolution No. 677** -- Memorials, Academic Achievement - Evan Chase Nelson, Salutatorian, Heritage High School. by \*Overbey.

**Senate Joint Resolution No. 678** -- Memorials, Academic Achievement - Emily Magee Guillaume, Valedictorian, William Blount High School. by \*Overbey.

**Senate Joint Resolution No. 679** -- Memorials, Academic Achievement - Jacob Bilbrey, Valedictorian, Macon County High School. by \*Beavers.

**Senate Joint Resolution No. 680** -- Memorials, Academic Achievement - Cassandra Cooper, Salutatorian, Clay County High School. by \*Beavers.

**Senate Joint Resolution No. 681** -- Memorials, Academic Achievement - Mary Elizabeth Copeland, Valedictorian, Clay County High School. by \*Beavers.

**Senate Joint Resolution No. 682** -- Memorials, Academic Achievement - Rachel Marie Wakefield, Salutatorian, Macon County High School. by \*Beavers.

**Senate Joint Resolution No. 683** -- Memorials, Academic Achievement - Tori West, Salutatorian, Smith County High School. by \*Beavers.

**MONDAY, MARCH 26, 2012 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**Senate Joint Resolution No. 684** -- Memorials, Academic Achievement - Amber Gross, Valedictorian, Smith County High School. by \*Beavers.

**Senate Joint Resolution No. 685** -- Memorials, Academic Achievement - Timmy Allen Harper, Valedictorian, Trousdale County High School. by \*Beavers.

**Senate Joint Resolution No. 686** -- Memorials, Academic Achievement - Shelby Gregory, Salutatorian, Trousdale County High School. by \*Beavers.

**Senate Joint Resolution No. 687** -- Memorials, Retirement - Gleyln Twilla. by \*Norris.

**Senate Joint Resolution No. 688** -- Memorials, Retirement - Jane Heathcott. by \*Norris.

**Senate Joint Resolution No. 691** -- Memorials, Death - Judge Charles Howard Bozeman. by \*Massey, \*Campfield, \*McNally, \*Barnes, \*Beavers, \*Bell, \*Berke, \*Burks, \*Crowe, \*Faulk, \*Finney L, \*Ford, \*Gresham, \*Harper, \*Haynes, \*Henry, \*Herron, \*Johnson, \*Kelsey, \*Ketron, \*Kyle, \*Marrero, \*Norris, \*Overbey, \*Roberts, \*Southerland, \*Stewart, \*Summerville, \*Tate, \*Tracy, \*Watson, \*Yager, \*Ramsey.

**Senate Joint Resolution No. 692** -- Memorials, Sports - Soddy Daisy High School Wrestling Team. by \*Watson, \*Berke.

**Senate Joint Resolution No. 694** -- Memorials, Sports - University of Tennessee at Chattanooga Mocs wrestling team, Southern Conference Tournament champion. by \*Watson, \*Berke, \*Ford.

**Senate Joint Resolution No. 695** -- Memorials, Retirement - Dr. Gary Goff. by \*Yager, \*McNally, \*Barnes, \*Beavers, \*Bell, \*Berke, \*Burks, \*Campfield, \*Crowe, \*Faulk, \*Finney L, \*Ford, \*Gresham, \*Harper, \*Haynes, \*Henry, \*Herron, \*Johnson, \*Kelsey, \*Ketron, \*Kyle, \*Marrero, \*Massey, \*Norris, \*Overbey, \*Roberts, \*Southerland, \*Stewart, \*Summerville, \*Tate, \*Tracy, \*Watson, \*Ramsey.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks,

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Stewart, Swann, Tindell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 95

A motion to reconsider was tabled.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Gilmore

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on the Consent Calendar and have this statement entered in the Journal: Rep(s). Bass and Tidwell.

**REGULAR CALENDAR**

**House Bill No. 3145** -- Taxes, Gasoline, Petroleum Products - As introduced, prohibits certain counties whose chief administrative officers of highway departments are exempt from state qualifications for holding such office from being eligible to receive state-shared fuel taxes or grant funds from the department of transportation. - Amends TCA Title 4, Chapter 3; Title 54, Chapter 7, Part 1 and Title 67. by \*Harmon. (\*SB2880 by \*Tracy)

Further consideration of House Bill No. 3145 previously considered on March 15, 2012, at which time the House adopted Amendment(s) No(s). 1 and it was reset for today's Calendar

**BILL HELD ON DESK**

Rep. Harmon moved that House Bill No. 3145 be held on the Clerk's desk, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2873** -- Education - As introduced, allows county boards of education to use the county's centralized purchasing system to provide a life insurance plan for employees. - Amends TCA Title 5; Title 8 and Title 49. by \*Ragan. (\*SB2648 by \*Yager, \*Massey)

Further consideration of House Bill No. 2873 previously considered on March 19, 2012, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

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On motion, House Bill No. 2873 was made to conform with **Senate Bill No. 2648**; the Senate Bill was substituted for the House Bill.

Rep. Ragan moved that **Senate Bill No. 2648** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 95

A motion to reconsider was tabled.

**\*House Bill No. 3545** -- Audiologists and Speech Pathologists - As introduced, authorizes instead of requires that governor select the physician member of the board of communication disorders and sciences from list of nominees provided by Academy of Otolaryngology and other interested otolaryngology groups. - Amends TCA Title 4, Chapter 29 and Section 63-17-104. by \*Cobb, \*Rich. (SB3386 by \*Bell)

Further consideration of House Bill No. 3545 previously considered on March 19, 2012, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

On motion, House Bill No. 3545 was made to conform with **Senate Bill No. 3386**; the Senate Bill was substituted for the House Bill.

Rep. Cobb moved that Senate Bill No. 3386 be passed on third and final consideration.

Rep. Fitzhugh moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Cobb moved that **Senate Bill No. 3386** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	80
Noes .....	11
Present and not voting .....	1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Butt, Campbell, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar,

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Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Swann, Tidwell, Tindell, Todd, Towns, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 80

Representatives voting no were: Brown, Hardaway, Harmon, Hill, Jones, Parkinson, Sontany, Stewart, Turner J, Turner M, Windle -- 11

Representatives present and not voting were: Camper -- 1

A motion to reconsider was tabled.

**\*House Bill No. 3548** -- Surveyors - As introduced, authorizes instead of requires that the governor select members of board of land survey examiners from lists of nominees submitted by Tennessee Association of Professional Surveyors and other interested surveyor groups. - Amends TCA Title 4, Chapter 29; Section 62-18-103 and Section 62-18-104. by \*Cobb. (SB3387 by \*Bell)

Further consideration of House Bill No. 3548 previously considered on March 19, 2012, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Cobb moved that House Bill No. 3548 be passed on third and final consideration.

Rep. Fitzhugh moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Cobb moved that **House Bill No. 3548** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	76
Noes.....	18

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Sparks, Swann, Tidwell, Tindell, Todd, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 76

Representatives voting no were: Armstrong, Brown, Camper, Favors, Fitzhugh, Hardaway, Harmon, Hill, Jones, McDonald, Parkinson, Richardson, Shaw, Stewart, Towns, Turner J, Turner M, Windle -- 18

A motion to reconsider was tabled.

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**\*House Bill No. 3549** -- Optometry - As introduced, clarifies that governor is authorized, but not required, to make appointments to the board of optometry from lists of nominees provided by the Tennessee Optometric Association and other interested optometric groups. - Amends TCA Title 4, Chapter 29 and Section 63-8-105. by \*Cobb, \*Rich. (SB3388 by \*Bell)

Further consideration of House Bill No. 3549 previously considered on March 19, 2012, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

On motion, House Bill No. 3549 was made to conform with **Senate Bill No. 3388**; the Senate Bill was substituted for the House Bill.

Rep. Cobb moved that Senate Bill No. 3388 be passed on third and final consideration.

Rep. Fitzhugh moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Cobb moved that **Senate Bill No. 3388** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	72
Noes.....	21
Present and not voting.....	1

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sparks, Swann, Tidwell, Tindell, Todd, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 72

Representatives voting no were: Armstrong, Brown, Cooper, Favors, Fitzhugh, Hardaway, Harmon, Hill, Jones, McDonald, Miller L, Moore, Parkinson, Richardson, Shaw, Sontany, Stewart, Towns, Turner J, Turner M, Windle -- 21

Representatives present and not voting were: Bass -- 1

A motion to reconsider was tabled.

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**\*House Bill No. 3550** -- Sunset Laws - As introduced, creates sunrise provision for energy efficient schools council, June 30, 2013; directs that members may be appointed from lists of qualified persons submitted by interested contractor, architectural and engineering groups including, but not limited to, the board for licensing contractors and the board of examiners for architects and engineers. - Amends TCA Title 4, Chapter 29 and Section 49-17-103. by \*Cobb, \*Rich, \*Gilmore. (SB3392 by \*Bell)

Further consideration of House Bill No. 3550 previously considered on March 19, 2012, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Cobb moved that House Bill No. 3550 be passed on third and final consideration.

Rep. Fitzhugh moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Cobb moved that **House Bill No. 3550** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	70
Noes.....	22
Present and not voting.....	2

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Shepard, Shipley, Sparks, Swann, Tindell, Todd, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 70

Representatives voting no were: Armstrong, Bass, Brown, Cooper, Fitzhugh, Hardaway, Harmon, Hill, Jones, McDonald, Miller L, Moore, Naifeh, Parkinson, Richardson, Shaw, Sontany, Stewart, Towns, Turner J, Turner M, Windle -- 22

Representatives present and not voting were: Camper, Tidwell -- 2

A motion to reconsider was tabled.



**\*House Bill No. 3551** -- Veterinarians - As introduced, requires governor to consult with interested veterinary groups including the Tennessee Veterinary Medical Association, which under current law may recommend licensed doctors of veterinary medicine and licensed veterinary technicians for appointment to the board, prior to making appointments to board of veterinary medical examiners. - Amends TCA Title 4, Chapter 29 and Section 63-12-104. by \*Cobb. (SB3389 by \*Bell)

Further consideration of House Bill No. 3551 previously considered on March 19, 2012, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

On motion, House Bill No. 3551 was made to conform with **Senate Bill No. 3389**; the Senate Bill was substituted for the House Bill.

Rep. Cobb moved that Senate Bill No. 3389 be passed on third and final consideration.

Rep. Fitzhugh moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Cobb moved that **Senate Bill No. 3389** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	74
Noes.....	20
Present and not voting.....	3

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Miller L, Montgomery, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Swann, Tindell, Todd, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 74

Representatives voting no were: Armstrong, Brown, Cooper, Favors, Fitzhugh, Hardaway, Harmon, Hill, Jones, McDonald, Moore, Naifeh, Parkinson, Richardson, Sontany, Stewart, Towns, Turner J, Turner M, Windle -- 20

Representatives present and not voting were: Bass, Camper, Tidwell -- 3

A motion to reconsider was tabled.

**\*House Bill No. 3554** -- Funeral Directors and Embalmers - As introduced, authorizes instead of requires that governor select some members of board of funeral directors and embalmers from lists of nominees submitted by Tennessee Funeral Directors Association and Tennessee Funeral Directors and Morticians Association, and other interested funeral director and mortician groups. - Amends TCA Title 4, Chapter 29 and Section 62-5-201. by \*Cobb, \*Rich. (SB3390 by \*Bell, \*Ford)

Further consideration of House Bill No. 3554 previously considered on March 19, 2012, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

On motion, House Bill No. 3554 was made to conform with **Senate Bill No. 3390**; the Senate Bill was substituted for the House Bill.

Rep. Cobb moved that Senate Bill No. 3390 be passed on third and final consideration.

Rep. Fitzhugh moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Cobb moved that **Senate Bill No. 3390** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	72
Noes.....	24
Present and not voting.....	1

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Swann, Tindell, Todd, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 72

Representatives voting no were: Armstrong, Bass, Brown, Cooper, DeBerry L, Favors, Fitzhugh, Hardaway, Harmon, Hill, Jones, McDonald, Miller L, Moore, Naifeh, Parkinson, Richardson, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Windle -- 24

Representatives present and not voting were: Camper -- 1

A motion to reconsider was tabled.

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**\*House Bill No. 2669** -- Child Labor - As introduced, specifies that no public funds of this state or any political subdivision thereof shall be allocated to the regulation or enforcement of any change made to certain rules regarding the employment of children in an agricultural setting. - Amends TCA Title 43; Title 50, Chapter 3 and Title 50, Chapter 5. by \*Faison, \*Casada, \*Powers, \*Holt, \*Evans, \*Womick. (SB2565 by \*Ketron)

Further consideration of House Bill No. 2669 previously considered on March 19, 2012, at which time the House adopted Amendment(s) No(s). 1 and it was reset for today's Calendar.

Rep. Faison moved that House Bill No. 2669, as amended, be passed on third and final consideration.

Rep. Lollar moved the previous question, which motion prevailed.

Rep. Faison moved that **House Bill No. 2669**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	70
Noes.....	24
Present and not voting.....	1

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Forgety, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Swann, Tidwell, Todd, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 70

Representatives voting no were: Armstrong, Brown, Camper, DeBerry L, Favors, Fitzhugh, Hardaway, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Sontany, Stewart, Tindell, Towns, Turner J, Turner M -- 24

Representatives present and not voting were: Cooper -- 1

A motion to reconsider was tabled.

**House Bill No. 3706** -- Mental Illness - As introduced, permits county with mental health facility, hospital or resource center in it to enter into annual agreement with another county to transport persons from the hospital to the original county for a flat rate or per person fee rather than billing for costs each trip. - Amends TCA Section 33-6-901. by \*Ragan. (\*SB3754 by \*Summerville)

Rep. Ragan moved that **House Bill No. 3706** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes.....	1

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Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 94

Representatives voting no were: Turner M -- 1

A motion to reconsider was tabled.

**\*House Bill No. 2644** -- Motor Vehicles - As introduced, authorizes tow trucks responding to an incident at the request of a law enforcement official to use white and amber lights that display to the front of the vehicle. - Amends TCA Section 55-9-402. by \*Swann. (SB3266 by \*Tracy)

Rep. Swann moved that House Bill No. 2644 be passed on third and final consideration.

Rep. Ramsey moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2644 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-9-402(d)(1), is amended by deleting the language "No vehicle" and by substituting instead the language "Except as provided in this section, no vehicle".

SECTION 2. Tennessee Code Annotated, Section 55-9-402(e)(1), is amended by designating the existing language as subdivision (e)(1)(A) and by adding the following language to be designated as subdivision (e)(1)(B):

(B) A recovery vehicle designed for towing a disabled vehicle, as defined in § 55-8-132, while in the performance of duties involved with towing an abandoned, immobile, disabled or unattended motor vehicle is authorized to display a white or amber light that is a strobe, flashing, oscillating or revolving system or any such combination of white and amber lights. Such authorized light or lights may be displayed on any location on the vehicle or equipment, other than within the headlight assembly or grill area of the vehicle, in the tail light lamp or stoplight area, or factory installed emergency flasher and backup light area.

SECTION 3. Tennessee Code Annotated, Section 55-9-402(d)(3), is amended by inserting the language "a recovery vehicle designed for towing a

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disabled vehicle in accordance with subdivision (e)(1)(B), highway maintenance or utility vehicle, or" between the words "other than" and the words "a passenger motor vehicle".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Rich moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2644 By deleting Sections 2 and 3, as amended, in their entirety and by substituting instead the following language:

SECTION 2. Tennessee Code Annotated, Section 55-9-402(e)(1), is amended by designating the existing language as subdivision (e)(1)(A) and by adding the following language to be designated as subdivision (e)(1)(B):

(B) Notwithstanding any provision of law to the contrary, a recovery vehicle designed for towing a disabled vehicle, as defined in § 55-8-132, while in the performance of duties involved with towing an abandoned, immobile, disabled or unattended motor vehicle is authorized to display an amber light that is a strobe, flashing, oscillating or revolving system or any combination of white and amber lights. Such authorized light or lights may be displayed on any location on the vehicle or equipment, other than within the headlight assembly or grill area of the vehicle, in the tail light lamp or stoplight area, or factory installed emergency flasher and backup light area.

SECTION 3. Tennessee Code Annotated, Section 55-9-402(d)(3), is amended by inserting the language "a highway maintenance or utility vehicle, or a" between the words "other than" and the words "a passenger motor vehicle".

On motion, Amendment No. 2 was adopted.

Rep. Swann moved that **House Bill No. 2644**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks,

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Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

**House Bill No. 3265** -- Health, Dept. of - As introduced, redefines indigence income, when evaluating statistics and reports submitted to the department on uncompensated care, to an amount that does not exceed 133 percent instead of 100 percent of federal poverty guidelines. - Amends TCA Title 68, Chapter 1. by \*Campbell. (\*SB3011 by \*Massey)

On motion, House Bill No. 3265 was made to conform with **Senate Bill No. 3011**; the Senate Bill was substituted for the House Bill.

Rep. Campbell moved that Senate Bill No. 3011 be passed on third and final consideration.

Rep. Casada moved that Health and Human Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Campbell moved that **Senate Bill No. 3011** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

A motion to reconsider was tabled.

**\*House Bill No. 3856** -- Maury County - As introduced, subject to local approval, authorizes remainder of proceeds from county wheel tax after all indebtedness for road paving projects has been paid, to be paid into the highway capital projects fund for highway and bridge capital projects. - Amends Chapter 119 of the Private Acts of 1995. by \*Butt. (SB3784 by \*Ketron)

Rep. Butt moved that **House Bill No. 3856** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes.....	0

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Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 93

A motion to reconsider was tabled.

**House Bill No. 3481** -- Special License Plates - As introduced, authorizes FedExFamilyHouse new specialty earmarked license plate; allocates 50 percent of funds produced from sale thereof to FedExFamilyHome to help provide a place for families of children receiving treatment at Le Bonheur Children's Hospital. - Amends TCA Title 55, Chapter 4. by \*Miller L, \*Camper, \*Richardson, \*Cooper B, \*Towns, \*Todd, \*Kernell, \*Hardaway, \*Lollar, \*DeBerry J, \*Parkinson, \*McManus, \*Turner J. (\*SB3251 by \*Ford)

Rep. L. Miller moved that House Bill No. 3481 be passed on third and final consideration.

Rep. P. Johnson moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3481 by deleting the language "Le Bonheur Foundation" in the amendatory language of subsection (b) in SECTION 2 of the printed bill and by substituting instead the language "Le Bonheur Children's Hospital Foundation".

AND FURTHER AMEND by deleting subsection (c) in SECTION 2 of the printed bill and by substituting instead the following:

(c) In accordance with § 55-4-215, the funds produced from the sale of FedExFamilyHouse new specialty earmarked license plates shall be allocated to Le Bonheur Children's Hospital Foundation to be used exclusively to support the FedExFamilyHouse, a home away from home for families of patients receiving extended care at Le Bonheur Children's Hospital.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. L. Miller moved that **House Bill No. 3481**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes..... 0

**MONDAY, MARCH 26, 2012 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

**House Bill No. 2479** -- Physicians and Surgeons - As introduced, alters the definition of a physician in the Preferred Provider Organization Transparency Act to include chiropractic physicians, medical doctor or an osteopathic physician. - Amends TCA Section 56-60-102(10). by \*Curtiss. (\*SB2353 by \*Stewart)

On motion, House Bill No. 2479 was made to conform with **Senate Bill No. 2353**; the Senate Bill was substituted for the House Bill.

Rep. Curtiss moved that **Senate Bill No. 2353** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

A motion to reconsider was tabled.

**\*House Bill No. 2390** -- Sentencing - As introduced, establishes enhanced punishment for crimes of force or violence committed while acting in concert with two or more other persons. - Amends TCA Title 39 and Title 40. by \*McCormick, \*Rich, \*Moore. (SB2252 by \*Norris, \*Kyle, \*Finney L, \*Beavers, \*Berke, \*Burks, \*Herron, \*Johnson, \*Tate, \*Watson, \*Yager, \*Crowe)

On motion, House Bill No. 2390 was made to conform with **Senate Bill No. 2252**; the Senate Bill was substituted for the House Bill.

Rep. Rich moved that Senate Bill No. 2252 be passed on third and final consideration.

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.



Rep. Todd moved the previous question, which motion prevailed.

Rep. Rich moved that **Senate Bill No. 2252** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 91  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner M, Weaver, White, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

A motion to reconsider was tabled.

**\*House Bill No. 2388** -- Sentencing - As introduced, increases the punishment for unlawful possession of firearm by person with previous felony conviction. - Amends TCA Title 39 and Title 40. by \*McCormick, \*Rich, \*Moore. (SB2250 by \*Norris, \*Kyle, \*Finney L, \*Beavers, \*Bell, \*Berke, \*Burks, \*Herron, \*Johnson, \*Yager)

On motion, House Bill No. 2388 was made to conform with **Senate Bill No. 2250**; the Senate Bill was substituted for the House Bill.

Rep. Rich moved that **Senate Bill No. 2250** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 95

A motion to reconsider was tabled.

**\*House Bill No. 2966** -- Courts, General Sessions - As introduced, clarifies that referees have the power of a trial court and the same authority as the judge directing the case to the referee in Shelby County environmental court. - Amends Chapter 772 of the Public Acts of 1982, as amended. by \*Coley, \*Miller L, \*Parkinson, \*McManus, \*Turner J, \*Kernell, \*Camper, \*DeBerry J, \*Cooper B, \*Lollar, \*Richardson, \*White. (SB2822 by \*Kelsey, \*Marrero, \*Kyle, \*Ford)

Rep. Coley requested that House Bill No. 2966 be moved to the heel of the Calendar.

**\*House Bill No. 2167** -- Education - As introduced, requires interest inventories to be administered to high school juniors and college sophomores to assist students in career decisions. - Amends TCA Title 49. by \*Coley. (SB2591 by \*Marrero )

### **BILL HELD ON DESK**

Rep. Coley moved that House Bill No. 2167 be held on the Clerk's desk, which motion prevailed.

### **REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 3338** -- Trusts - As introduced, includes "persons" in definition of "family member" for purposes of determining which family members a private trust can do business with while maintaining exemptions from the Banking Act. - Amends TCA Title 45, Chapter 2, Part 20. by \*Faison, \*Sargent, \*McManus. (SB3137 by \*Faulk)

Rep. Faison moved that House Bill No. 3338 be passed on third and final consideration.

Rep. McManus moved adoption of Commerce Committee Amendment No. 1 as follows:

#### **Amendment No. 1**

AMEND House Bill No. 3338 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 45-2-2001(a), is amended by inserting the following language immediately following the first sentence of the subsection:

All individuals who control the private trust company, establish trusts or charitable organizations controlling the private trust company, or control corporations, sole proprietorships, partnerships, joint ventures, associations, trusts, estates, business trusts, limited liability companies, or other companies controlling the private trust company must be related within the tenth degree of affinity or consanguinity to the designated ancestor, or lineal descendants of the original owners of a private trust company.

SECTION 2. Tennessee Code Annotated, Section 45-2-2001(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) A private trust company or proposed private trust company may request in writing that it be exempted from any provision of the Banking Act or the rules thereof. The commissioner may grant the exemption in whole or in part if the commissioner finds that the private trust company does not and will not transact business with the general public. As used in this part, unless the context otherwise requires:

(1) "Designated ancestor" means an individual designated as provided in § 45-2-2002(a) for the purpose of establishing another individual's status as a family member in relation to a private trust company or a proposed private trust company. A designated ancestor may be either a living or deceased individual;

(2) "Family member" means any individual who is related within the tenth degree of affinity or consanguinity to the designated ancestor of a private trust company or to the original owners of a private trust company. For the purposes of this part, a family member's:

(A) Surviving spouse shall be deemed related by affinity;  
and

(B) Stepchild shall be deemed related by affinity and such affinity shall continue regardless of any future change in status of the stepchild's parents; and

(3) "Transact business with the general public" means any sales, solicitations, arrangements, agreements, or transactions to provide fiduciary services, whether or not for a fee, commission, or any other type of remuneration, with any client that is not a:

(A) Family member; or

(B) Sole proprietorship, partnership, joint venture association, trust, estate, business trust, corporation, limited liability company, charitable lead trust, charitable remainder trust, charitable organization or other company that is one hundred percent (100%) owned, or one hundred percent (100%) controlled by, one (1) or more family members.

SECTION 3. Tennessee Code Annotated, Section 45-2-2002(a)(1), is amended by adding the following language as a new subdivision (G):

(G) A statement under oath of the name of the individual who will be the designated ancestor of the private trust company.

SECTION 4. Tennessee Code Annotated, Section 45-2-2002(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

**(c) Change of Control.**

(1) Control of an exempt private trust company may not be transferred or sold with exempt status. In any change of control, the acquiring control person must comply with this chapter, and the exempt status of the private trust company shall automatically terminate upon the effective date of the transfer. A separate application for exempt status must be filed if the acquiring person wishes to obtain or continue an exemption pursuant to this section.

(2) For the purposes of this part, a transfer of control of an exempt private trust company to a family member shall not be a change of control resulting in the termination of private trust company's exempt status regardless of whether the transfer is:

(A) Direct or indirect;

(B) Inter vivos; or

(C) A result of death.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Faison moved that **House Bill No. 3338**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

**House Bill No. 3704** -- Education, Higher - As introduced, requires a governing board of a public institution of higher education to report annually to the house and senate education committees the attendance of its board members and if applicable, the reason for absence. - Amends TCA Title 49, Chapter 7, Part 1. by \*McCormick. (\*SB3749 by \*Tracy)

Rep. McCormick requested that House Bill No. 3704 be moved to the heel of the Calendar.

**\*Senate Bill No. 2305** -- Sunset Laws - As introduced, extends the committee for clinical perfusionists, June 30, 2013. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 28, Part 1. by \*Bell. (HB2523 by \*Cobb, \*Shipley, \*Rich)

Further consideration of Senate Bill No. 2305 previously considered on March 22, 2012, at which time the Senate Bill was substituted for the House Bill, the House withdrew Amendment(s) No(s). 1 and 2 and it was reset to today's Calendar.

Rep. Cobb moved that Senate Bill No. 2305 be passed on third and final consideration.

Rep. Fitzhugh moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Cobb moved that **Senate Bill No. 2305** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	70
Noes.....	24

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sparks, Swann, Tindell, Todd, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 70

Representatives voting no were: Armstrong, Bass, Brown, DeBerry L, Favors, Fitzhugh, Hardaway, Harmon, Hill, Jones, Lundberg, McDonald, Miller L, Naifeh, Parkinson, Richardson, Shaw, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Windle -- 24

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "not voting" to "aye" on **Senate Bill No. 2250** and have this statement entered in the Journal: Rep(s). Shepard.

REGULAR CALENDAR, CONTINUED

**House Bill No. 2524** -- Sunset Laws - As introduced, extends the council for hearing instrument specialists, June 30, 2013. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 17, Part 2. by \*Cobb, \*Shipley, \*Rich. (\*SB2310 by \*Bell)

Further consideration of House Bill No. 2524 previously considered on March 22, 2012, at which time it was reset to today's Calendar.

On motion, House Bill No. 2524 was made to conform with **Senate Bill No. 2310**; the Senate Bill was substituted for the House Bill.

Rep. Cobb moved that Senate Bill No. 2310 be passed on third and final consideration.

Rep. Rich moved that Government Operations Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Rich moved that Government Operations Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Cobb moved that **Senate Bill No. 2310** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	73
Noes.....	20
Present and not voting.....	1

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Moore, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Swann, Tindell, Todd, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 73

Representatives voting no were: Armstrong, Brown, Cooper, DeBerry L, Fitzhugh, Hardaway, Harmon, Hill, Jones, Lundberg, McDonald, Naifeh, Parkinson, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Windle -- 20

Representatives present and not voting were: Camper -- 1

A motion to reconsider was tabled.

**MONDAY, MARCH 26, 2012 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**House Bill No. 2525** -- Sunset Laws - As introduced, extends the emergency medical services board, June 30, 2013. - Amends TCA Title 4, Chapter 29 and Title 68, Chapter 140, Part 3. by \*Cobb, \*Shipley, \*Rich. (\*SB2309 by \*Bell)

Further consideration of House Bill No. 2525 previously considered on March 22, 2012, at which time it was reset to today's Calendar.

On motion, House Bill No. 2525 was made to conform with **Senate Bill No. 2309**; the Senate Bill was substituted for the House Bill.

Rep. Cobb moved that Senate Bill No. 2309 be passed on third and final consideration.

Rep. Rich moved that Government Operations Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Rich moved that Government Operations Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Cobb moved that **Senate Bill No. 2309** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	71
Noes.....	23
Present and not voting.....	2

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sparks, Swann, Tindell, Todd, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 71

Representatives voting no were: Armstrong, Brown, DeBerry L, Favors, Fitzhugh, Hardaway, Harmon, Hill, Jones, McDonald, Miller L, Moore, Naifeh, Parkinson, Richardson, Shaw, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Windle -- 23

Representatives present and not voting were: Bass, Camper -- 2

A motion to reconsider was tabled.

**MONDAY, MARCH 26, 2012 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**House Bill No. 2526** -- Sunset Laws - As introduced, extends the Tennessee medical laboratory board, June 30, 2013. - Amends TCA Title 4, Chapter 29 and Title 68, Chapter 29, Part 1. by \*Cobb, \*Shipley, \*Rich. (\*SB2311 by \*Bell)

Further consideration of House Bill No. 2526 previously considered on March 22, 2012, at which time it was reset to today's Calendar.

On motion, House Bill No. 2526 was made to conform with **Senate Bill No. 2311**; the Senate Bill was substituted for the House Bill.

Rep. Cobb moved that Senate Bill No. 2311 be passed on third and final consideration.

Rep. Rich moved that Government Operations Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Rich moved that Government Operations Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Cobb moved that **Senate Bill No. 2311** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	72
Noes.....	23
Present and not voting.....	2

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sparks, Swann, Tindell, Todd, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 72

Representatives voting no were: Armstrong, Brown, DeBerry L, Favors, Fitzhugh, Hardaway, Harmon, Hill, Jones, McDonald, Miller L, Moore, Naifeh, Parkinson, Richardson, Shaw, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Windle -- 23

Representatives present and not voting were: Bass, Camper -- 2

A motion to reconsider was tabled.



REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “no” to “aye” on **Senate Bill No. 2309** and have this statement entered in the Journal: Rep(s). Moore.

REGULAR CALENDAR, CONTINUED

**\*House Bill No. 2966** -- Courts, General Sessions - As introduced, clarifies that referees have the power of a trial court and the same authority as the judge directing the case to the referee in Shelby County environmental court. - Amends Chapter 772 of the Public Acts of 1982, as amended. by \*Coley, \*Miller L, \*Parkinson, \*McManus, \*Turner J, \*Kernell, \*Camper, \*DeBerry J, \*Cooper B, \*Lollar, \*Richardson, \*White. (SB2822 by \*Kelsey, \*Marrero, \*Kyle, \*Ford)

Further consideration of House Bill No. 2966 previously considered on today’s Calendar.

On motion, House Bill No. 2966 was made to conform with **Senate Bill No. 2822**; the Senate Bill was substituted for the House Bill.

Rep. Coley moved that **Senate Bill No. 2822** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	2

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 93

Representatives voting no were: Moore, Towns -- 2

A motion to reconsider was tabled.

**MONDAY, MARCH 26, 2012 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**House Bill No. 3704** -- Education, Higher - As introduced, requires a governing board of a public institution of higher education to report annually to the house and senate education committees the attendance of its board members and if applicable, the reason for absence. - Amends TCA Title 49, Chapter 7, Part 1. by \*McCormick. (\*SB3749 by \*Tracy)

Further consideration of House Bill No. 3704 previously considered on today's Calendar.

On motion, House Bill No. 3704 was made to conform with **Senate Bill No. 3749**; the Senate Bill was substituted for the House Bill.

Rep. McCormick moved that Senate Bill No. 3749 be passed on third and final consideration.

Rep. Montgomery moved that Education Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. McCormick moved that **Senate Bill No. 3749** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	86
Noes.....	7
Present and not voting.....	1

Representatives voting aye were: Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Halford, Hardaway, Harmon, Harrison, Hawk, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Turner J, Turner M, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 86

Representatives voting no were: Alexander, Armstrong, Hall, Haynes, Hensley, Tindell, Windle -- 7

Representatives present and not voting were: Gotto -- 1

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 368** -- Teachers, Principals and School Personnel - As introduced, protects a teacher from discipline for teaching scientific subjects in an objective manner. - Amends TCA Title 49, Chapter 6, Part 10. by \*Dunn, \*White, \*Hensley, \*Faison, \*Lollar, \*Evans, \*McCormick, \*Shipley, \*Weaver, \*Eldridge, \*Rich, \*Maggart, \*Carr, \*Alexander, \*Floyd, \*Miller D, \*Hill, \*Holt, \*Butt, \*Sparks, \*Powers, \*Cobb, \*Roach, \*Parkinson. (SB893 by \*Watson, \*Beavers, \*Johnson)

**Senate Amendment No. 1**

AMEND House Bill No. 368 by adding the following language as a preamble to the bill:

WHEREAS, the general assembly finds that:

(1) An important purpose of science education is to inform students about scientific evidence and to help students develop critical thinking skills necessary to become intelligent, productive, and scientifically informed citizens;

(2) The teaching of some scientific subjects required to be taught under the curriculum framework developed by the state board of education may cause debate and disputation including, but not limited to, biological evolution, the chemical origins of life, global warming, and human cloning; and

(3) Some teachers may be unsure of the expectation concerning how they should present information when debate and disputation occur on such subjects; now, therefore,

AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following as a new, appropriately designated section:

(a) The state board of education, public elementary and secondary school governing authorities, directors of schools, school system administrators, and public elementary and secondary school principals and administrators shall endeavor to create an environment within public elementary and secondary schools that encourages students to explore scientific questions, learn about scientific evidence, develop critical thinking skills, and respond appropriately and respectfully to differences of opinion about scientific subjects required to be taught under the curriculum framework developed by the state board of education.

(b) The state board of education, public elementary and secondary school governing authorities, directors of schools, school system administrators, and public elementary and secondary school principals and administrators shall endeavor to assist teachers to find effective ways to present the science curriculum taught under the curriculum framework developed by the state board

of education as it addresses scientific subjects that may cause debate and disputation.

(c) Neither the state board of education, nor any public elementary or secondary school governing authority, director of schools, school system administrators, or any public elementary or secondary school principal or administrators shall prohibit any teacher in a public school system of this state from helping students understand, analyze, critique, and review in an objective manner the scientific strengths and scientific weaknesses of existing scientific theories covered in the course being taught within the curriculum framework developed by the state board of education.

(d) This section only protects the teaching of scientific information, and shall not be construed to promote any religious or non-religious doctrine, promote discrimination for or against a particular set of religious beliefs or non-beliefs, or promote discrimination for or against religion or non-religion.

SECTION 2. By no later than the start of the 2012-2013 school term, the department of education shall notify all directors of schools of the provisions of this act. Each director shall notify all employees within the director's school system of the provisions of this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Dunn moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 368**, which motion prevailed by the following vote:

Ayes .....	72
Noes.....	23

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sparks, Swann, Tindell, Todd, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 72

Representatives voting no were: Armstrong, Brown, Camper, Cooper, DeBerry L, Favors, Fitzhugh, Hardaway, Harmon, Jones, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Richardson, Shaw, Stewart, Towns, Turner J, Turner M -- 23

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 2381** -- Transportation, Dept. of - As introduced, authorizes department to enter into a negotiated contract with a financial institution for the purpose of stabilizing the net expense of the department for the purchase of gasoline, diesel or other fuels, or the net expense of price adjustments made for fuel, bituminous materials or other materials in the department's construction contracts. - Amends TCA Title 4, Chapter 3, Part 23. by \*McCormick, \*Johnson P. (SB2243 by \*Norris, \*Faulk)

**Senate Amendment No. 2**

AMEND Senate Bill No. 2243 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 23, is amended by adding the following language as a new section thereto:

**4-3-2312.**

(a) Notwithstanding any other law to the contrary, the commissioner of transportation may enter into a negotiated contract or contracts with a bank, investment bank or other similar financial institution for the purpose of stabilizing the net expense of the department of transportation in the purchase of gasoline, diesel, or other fuels for the department's own use.

(b) The contracts entered into under this section may include, without limitation, financial instruments commonly referred to as hedges, futures, options, swap transactions, or any similar financial instrument for cost stabilization. The contracts authorized herein shall not be deemed contracts for services subject to the provisions of § 12-4-109.

(c) Notwithstanding any other law to the contrary, the contracts authorized in this section may be procured in such manner pursuant to policy and executed in such form, all as approved by the state chief procurement officer, with the approval of the state funding board. Such policy shall provide, at a minimum, that the initial selection of financial institutions for the purpose of entering into such contracts shall be conducted by a public solicitation and request for qualifications, including credit worthiness and other factors as determined by the state chief procurement officer, with the approval of the state funding board.

(d) When entering into any contract authorized under this section, the written contract shall provide that the rights and remedies of the parties thereto shall be governed by the laws of Tennessee or the laws of such other state or nation as may bear a reasonable relationship to the transaction; provided, however, that any suit, action, or proceeding at law or in equity against the State shall be brought solely in any court of competent jurisdiction in Davidson County, Tennessee.

(e) The commissioner of transportation shall report to the state funding board and to the chairs of the senate and house finance, ways and means committees no later than January 31, 2013, and annually thereafter prior to January 31, as to the utilization of the authority of this section.

(f) The authority granted under this section is in addition to, and supplemental to, any existing authority granted under any other law but shall expire on June 30, 2016.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. P. Johnson moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2381**, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Floyd, Ford, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

## UNFINISHED BUSINESS

### ANNOUNCEMENTS

Rep. Montgomery announced that **House Bills Nos. 2235** and **3224** will be heard in the Education Subcommittee this week; and that, **House Bill No. 2392** will be heard in the Education Committee this week.

**RULES SUSPENDED**

Rep. McCormick moved that the rules be suspended in order to allow **House Bill No. 2796** to be heard in the Consumer and Employee Affairs Committee this week.

Without objection, it was so ordered.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on March 28, 2012:

**House Bill No. 3266:** by Rep. P. Johnson

**BILLS WITHDRAWN**

On motion of Rep. Gotto, **House Bill No. 702** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Gotto, **House Bill No. 979** was recalled from the Transportation Committee and withdrawn from the House.

On motion of Rep. Gotto, **House Bill No. 1876** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Gotto, **House Bill No. 2875** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Gotto, **House Bill No. 3642** was recalled from the State and Local Government Committee and withdrawn from the House.

**RULES SUSPENDED**

Rep. Hensley moved that the rules be suspend in order to allow **House Bill No. 3098** to be heard in the Education Subcommittee this week.

Without objection, it was so ordered.

**RULES SUSPENDED**

Rep. D. Miller moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 825 out of order, which motion prevailed.

**House Joint Resolution No. 825** -- Memorials, Public Service - Sergeant Jemice Dandridge. by \*Miller D.

On motion, the rules were suspended for the immediate consideration of the resolution.

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

On motion of Rep. D. Miller, the resolution was adopted.

A motion to reconsider was tabled.

### **RULES SUSPENDED**

Rep. McCormick moved that the rules be suspended in order to allow **House Bills Nos. 2803 and 3828** to be heard in the Finance, Ways and Means Committee this week.

Without objection, it was so ordered.

### **RULES SUSPENDED**

Rep. McCormick moved that the rules be suspended in order to allow **House Bill No. 3500** to be heard in the Commerce Subcommittee this week.

Without objection, it was so ordered.

### **BILL RE-REFERRED**

Rep. McCormick moved that House Bill No. 3603 be re-referred to the Government Operations Committee and that the same be heard this week, which motion prevailed.

### **RULES SUSPENDED**

Rep. Naifeh moved that the rules be suspended for the purpose of introducing House Resolution No. 228 out of order, which motion prevailed.

**House Resolution No. 228** -- Memorials, Recognition - House Homecoming. by \*Harwell, \*Naifeh, \*McDaniel, \*DeBerry L, \*Dunn.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Naifeh, the resolution was adopted.

A motion to reconsider was tabled.

### **ANNOUNCEMENTS**

#### **RECOGNITION IN THE WELL**

Representative P. Johnson was recognized in the Well to introduce members of his immediate and extended family and to announce that his wife, Allison, has been diagnosed cancer free. In addition, Representative P. Johnson announced his intent not to seek re-election to the 108<sup>th</sup> General Assembly.



**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 826** Rep(s). Womick, Forgety and Marsh as prime sponsor(s).

**House Bill No. 291** Rep(s). M. Turner, Shaw, Fitzhugh, Naifeh, Moore, Brown, S. Jones, Stewart, Parkinson, Sontany, Shepard, Forgety, Gilmore, Favors, J. Turner, B. Cooper, L. Miller, K. Williams, Campbell, Hardaway, Sparks, Ramsey and Dean as prime sponsor(s).

**House Bill No. 469** Rep(s). H. Brooks, Lundberg, Lollar, Eldridge, Swann, Matheny, Matlock, Hill, McManus and Coley as prime sponsor(s).

**House Bill No. 1576** Rep(s). Faison and Womick as prime sponsor(s).

**House Bill No. 2865** Rep(s). Hawk as prime sponsor(s).

**House Bill No. 3576** Rep(s). Powers as prime sponsor(s).

**House Bill No. 3621** Rep(s). Powers as prime sponsor(s).

**House Bill No. 3722** Rep(s). Sargent as prime sponsor(s).

**House Bill No. 3760** Rep(s). Carr, Weaver, K. Brooks, Niceley, McManus, Maggart, Womick, Hensley and Matlock as prime sponsor(s).

**MESSAGE FROM THE GOVERNOR**

**March 26, 2012**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 758, 759, 760, 761, 762, 763, 764, 765, 790 and 803; with his approval.

HERBERT H. SLATTERY III, Counsel to the Governor

**SIGNED**

**March 26, 2012**

The Speaker announced that she had signed the following: House Bill(s) No(s). 59, 1000, 2371, 2428, 2768, 2800, 2851, 2947 and 3632.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENGROSSED BILLS**

**March 26, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 620, 734, 811, 812, 813, 814, 815, 819, 820, 821 and 822.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE**

**March 26, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2437, 2441, 2658, 2789, 2834 and 3007; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**March 26, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 563, 767, 768, 769, 771, 772, 774, 775, 776, 777, 778, 779, 780, 781, 782, 784, 786, 787, 788, 789, 792, 793, 794, 795, 796, 806 and 817; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**March 26, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3834; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS**

**March 26, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 2644, 2669, 3338, 3481, 3548, 3550, 3706, 3852, 3853 and 3856; also House Joint Resolution(s) No(s). 825;

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ROLL CALL**

The roll call was taken with the following results:

Present..... 94

**MONDAY, MARCH 26, 2012 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 94

**RECESS MOTION**

On motion of Rep. McCormick, the House stood in recess until 9:00 a.m., Wednesday, March 28, 2012.